

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
Multi-Service Site - Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region V

Subject: POLREP #1
Initial
Multi-Service Site
C508
Dayton, OH
Latitude: 39.7717600 Longitude: -84.1294400

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Date: 5/10/2011

Reporting Period: April 25 through May 6, 2011

1. Introduction

1.1 Background

Site Number: C508 **Contract Number:** EP-S5-08-02

D.O. Number:	30281.0076	Action Memo Date:	2/25/2011
Response Authority:	CERCLA	Response Type:	Time-Critical
Response Lead:	EPA	Incident Category:	Removal Action
NPL Status:	Non NPL	Operable Unit:	
Mobilization Date:	4/25/2011	Start Date:	4/25/2011
Demob Date:		Completion Date:	
CERCLIS ID:	OHN000510544	RCRIS ID:	
ERNS No.:		State Notification:	Ohio EPA
FPN#:		Reimbursable Account #:	

1.1.1 Incident Category

Time-Critical Removal Action

1.1.2 Site Description

The Multi-Service (MS) Site contains a 27,589-square-foot building that formerly housed an industrial laundry and dry cleaning facility. The MS Site is bordered to the north and east by the Five Rivers Metro Parks bike path and a parking lot; to the south by a wooded property; and to the west by an open lot used by a tree service company for wood storage. Commercial businesses are located within 500 feet of the Site, and the closest residences are located 300 feet south and 400 feet north of the Site. The MS Site is also located approximately 1 mile southeast of the Mad River.

1.1.2.1 Location

The MS Site is located at 1962 Radio Road in Dayton, Montgomery County, Ohio 45431. The geographical coordinates for the Site are 39° 46' 18.336" North latitude and 84° 7' 45.984 West longitude.

1.1.2.2 Description of Threat

The MS facility operated at the Site from the mid-1990s to March 2010 and laundered industrial work gloves, rags, ink towels and shop towels. The dry cleaning process used a perchloroethylene (PCE)-based solvent known as "360 Solvent" with a flashpoint of 105 degrees Fahrenheit (°F).

In 2002, the MS facility had ongoing discharge violations to the City of Dayton's sanitary sewer.

In 2003, 2004, and 2005, the Southern Ohio Environmental Crimes Task Force (Task Force) covertly sampled the MS facility's discharge and determined that the MS facility was discharging flammable liquids to the sewer. The Task Force also uncovered additional hazardous waste violations during its investigation.

As a result of the Task Force investigations, in August 2006, the owner of the MS facility, pled guilty to felony and misdemeanor charges related to the discharge into the sewer and transportation of hazardous waste. The MS facility was fined \$20,000 and placed on 2-year probation. The owner was sentenced to 2 years probation, the first 6 months of which consisted of in-home confinement; fined \$5,000; and ordered to serve 100 hours of community service.

Based on the Ohio Environmental Protection Agency's (Ohio EPA) Division of Surface Water concerns regarding waste management at the Site, in May 2009, the Ohio EPA's Division of Hazardous Waste Management (DHWM) conducted a compliance assistance inspection at the Site. At that time, the MS facility was not exceeding the 90-day storage limit for hazardous wastes stored in tanks and totes. Subsequent hazardous waste inspections were conducted on June 4 and 15, 2009. Based on these inspections, it was determined that the MS facility was exceeding the 90-day storage

limit for hazardous waste.

Additional inspections revealed that the MS facility also was exceeding the 90-day storage limit for hazardous waste stored in a 6,300-gallon tank located outside of the building. The outdoor Hazardous Waste Storage Tank did not have proper secondary containment. Access to the tank was limited by the design of the containment wall. The tank had not been cleaned out since 2008.

Throughout 2009 and 2010, the MS facility continued to violate the 90-day storage limit for hazardous waste. The Ohio EPA DHWM referred the MS facility for enforcement in October 2009. The Ohio EPA Director's Draft Findings and Orders were sent to the MS facility in February 2010.

During inspections at the Site on January 12 and 21, 2010, the Ohio EPA DHWM observed a leaking hazardous waste drum that had been documented during earlier inspections. The leak from the drum was corrected during an inspection on January 27, 2010. During Site inspections on April 7 and 21 and May 5, 2010, another leaking drum was observed, but no corrective actions were taken until the drum was shipped off site on May 28, 2010.

Crown Solutions (Crown) operated the MS facility's wastewater treatment unit. Crown met with the site owner on March 5, 2010. During the meeting, the owner informed Crown that MS was filing for bankruptcy. Crown subsequently contacted the Ohio EPA to explain that Crown no longer operated the wastewater treatment unit at the MS facility and was discontinuing its business with MS. According to Crown, MS attempted to operate the wastewater treatment unit on its own the previous week and had caused a pipe to break, releasing waste onto the floor around the equalization tanks. This situation prompted Crown to remove equipment from the wastewater treatment unit to prevent the unit from being operated on March 9, 2010. The City of Dayton rescinded MS's discharge permit on March 15, 2010.

Due to inaction by the MS facility and rumors of bankruptcy, the Ohio EPA referred the MS facility to the Attorney General's Office for enforcement. On April 16, 2010, the Attorney General's Office met with MS in an attempt to obtain compliance. During the meeting, the site owner provided financial information detailing the expenses owed by MS.

On April 20, 2010, MS hired Mike's Sanitation to pump out waste from the wastewater treatment unit and associated tanks. On April 22, 2010, the Ohio EPA sampled wastes from the two equalization tanks (#1 and #2), the Chemical Mixing Tank, the Wastewater Treatment Pit, and the wastewater treatment unit. Samples from Equalization Tank #2, the Chemical Mixing Tank, and the Wastewater Treatment Pit had flashpoints of 137, 132, and 131 °F, respectively, indicating that the tank contents were ignitable hazardous wastes. In addition, a liquid sample from the Chemical Mixing Tank had a Toxicity Characteristic Leaching Procedure (TCLP) PCE concentration of 30 milligrams per liter (mg/L), which exceeds the TCLP PCE regulatory limit of 0.7 mg/L, thus indicating that the tank contained a toxic waste.

On May 26, 27, and 28, 2010, Clean Harbors transported 49 totes and 22 drums off site for disposal. Ohio EPA records indicate that no additional wastes have been transported off the site since the May 2010 shipment.

In April 2010, JP Morgan Chase initiated foreclosure against MS but to date has not finalized the foreclosure action. In August 2010, the site owner filed for personal bankruptcy.

On November 23, 2010, the Ohio EPA accompanied the Dayton Fire Department (DFD) on an inspection of the MS facility. The DFD was concerned about the storage of flammable materials and a non-operational fire suppression system at the Site.

On November 24, 2010, the DFD issued a Notice of Violation to Mr. Tatman and the MS facility, ordering the removal of all flammable and combustible materials from the Site.

On December 14, 2010, the DFD met with Site owner at the Site to conduct an inspection and verify that the fire suppression system was properly shut down. The DFD gave the Site owner 90 days to develop an action plan for the removal of flammable and combustible materials from the Site. During the inspection, the DFD observed liquid leaking from a solvent tank in the Tank Room.

In a letter dated January 7, 2011, the DFD formally requested assistance from the U.S. EPA to determine if the Site met the criteria for a time-critical removal action.

In a letter dated January 24, 2011, the Ohio EPA formally requested assistance from the U.S. EPA to determine if the MS Site met the criteria for a time-critical removal action. According to the Ohio EPA, since cessation of operations at the Site in March 2010, all on-site tanks are now considered waste tanks. Also according to the Ohio EPA, tanks associated with the solvent recovery process located in the Tank Room contained dirty solvent presumed to be ignitable. One of these tanks leaked waste solvent to a depth of approximately 2 inches in the Tank Room. In addition, three tanks associated with the wastewater treatment unit contained ignitable wastes.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

On January 27, 2011, U.S. EPA conducted a site assessment at the MS Site and observed and documented the presence of eight tanks; a pit; a sump; and approximately 50 drums, totes, and small containers (5 gallons or less). U.S. EPA collected 10 liquid, 1 sludge and liquid, and 2 solid waste samples from tanks, drums, totes, pits, containers and a trench at the Site. Based on analytical results for samples collected during the site assessment, the tanks, drums, totes, and containers contain flammable liquids, caustic liquids, corrosive solids, and toxic liquid wastes.

Hazardous wastes identified at the Site exhibit the following characteristics:

- Ignitability
- Corrosivity
- Toxicity (TCLP PCE [D039])

Based on the analytical results and Site conditions observed during the site assessment, the Site met the criteria for a removal action pursuant to 40 CFR 300.415(b)(2).

2. Current Activities

2.1 Operations Section

2.1.1 Narrative

On February 25, 2011, the U.S. EPA Action Memorandum was signed by the Director of the U.S. EPA Region V Superfund Division approving funding for a time-critical removal action at the MS Site.

On March 9, 2011, the Emergency Contingency Plan was finalized by U.S. EPA and distributed to the DFD.

On April 7, 2011, a delivery order was issued to the ERRS contractor (EQM) to conduct time-critical removal activities at the Site.

2.1.2 Response Actions to Date

Week of April 25, 2011

During the week of April 25, 2011, ERRS mobilized three office trailers, roll-off boxes, equipment and set up the command post at the site. An electrician was hired to hard-wire the office trailers to the on-site building.

On April 27, 2011, the health and safety plan (HASP) was finalized.

Week of May 2, 2011

On May 3, 2011, U.S. EPA, START and ERRS personnel mobilized to the Site. The HASP was reviewed and signed by all personnel.

ERRS set up the decontamination area and START organized the hazard categorization trailer. ERRS initiated removal activities by staging all drums and containers near the bay doors prior to sampling. ERRS began sampling on May 3rd and completed sampling all tanks, pits, drums and containers on May 5th. A total of 109 samples were collected.

ERRS used sawzaws to cut apart empty poly 55-gallon drums. The poly drum pieces and non-hazardous debris from inside the facility was placed into a non-hazardous rolloff box. ERRS also loaded rolloff boxes with scrap metal from the facility.

On May 4, 2011, one rolloff box containing 2.02 tons of scrap metal was transported to Franklin Iron & Scrap, located in Dayton, Ohio for recycling.

On May 5, 2011, START collected two 8-hour SUMMA canister indoor air samples from within the building. The indoor air samples will be analyzed for VOCs using EPA Method TO-15. The results will verify the level of respirator protection to be used inside the building during the removal action.

On May 5, 2011, one rolloff box containing non-hazardous debris was transported for off-site disposal to Stony Hollow Landfill, located in Dayton, Ohio. In addition, one rolloff box

containing 1.98 tons of scrap metal was transported to Franklin Iron & Scrap, located in Dayton, Ohio for recycling.

All personnel were temporarily demobilized from the Site on May 6, 2011 pending haz-cattng and wastestream analysis. Off-hours site security was established from May 3rd through May 22nd.

2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

U.S. EPA has identified various PRPs for this Site, but none of the identified PRPs were capable to fund the removal action.

2.1.4 Progress Metrics

<i>Waste Stream</i>	<i>Medium</i>	<i>Quantity</i>	<i>Manifest #</i>	<i>Treatment</i>	<i>Disposal</i>
Non-hazardous debris	Solid	1 rolloff box	Not applicable	Landfill	Waste Management - Stony Hollow Landfill Dayton, OH
Scrap metal	Solid	2 rolloff boxes (4 tons)	Not applicable	Recycling	Franklin Iron & Scrap Dayton, OH

2.2 Planning Section

2.2.1 Anticipated Activities

The U.S. EPA will conduct the following activities:

1. Develop and implement a Site-specific HASP, including an Air Monitoring Plan, a Site Emergency Contingency Plan and a Site Security Plan;
2. Inventory and perform hazard characterization on all substances contained in tanks, totes, drums, containers and tanks;
3. Consolidate and package all hazardous substances, pollutants and contaminants for transportation and off-site disposal;
4. Dismantle, decontaminate and remove process equipment, tanks and building components associated with the product process area, as necessary;
5. Transport and dispose of all characterized or identified hazardous substances, pollutants, wastes, or contaminants to a RCRA/CERCLA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 CF.R. § 300.440); and

2.2.1.1 Planned Response Activities

See Section 2.2.1.2.

2.2.1.2 Next Steps

1. Hazard categorize all samples (May 9-May 20).
2. Enter all hazard categorization data into U.S. EPA's ERT DrumTrak database program.
3. Identify waste streams (May 9-May 20).
4. Conduct bench-scale tests of waste streams.
5. Composite and submit waste disposal samples for laboratory analysis (May 9-May 20)
6. Generate Waste Profiles.
7. Bulk wastestreams in preparation for off-site disposal (May-July).
8. Conduct off-site disposal of waste on site (May-July).
9. Conduct air monitoring during removal activities (May-July).
10. Continue off-shift security once ERRS remobilizes back to the Site.

2.2.2 Issues

1. Re-mobilize to the Site on May 22, 2011.
2. When U.S. EPA is on Site, the Site hours will be from 0700 to 1830 hours on Monday through Friday.

2.3 Logistics Section

2.4 Finance Section

2.4.1 Narrative

U.S. EPA is funding the removal action.

Estimated Costs *

	Budgeted	Total To Date	Remaining	% Remaining
Extramural Costs				
ERRS - Cleanup Contractor	\$100,000.00	\$71,950.00	\$28,050.00	28.05%
TAT/START	\$20,000.00	\$2,452.00	\$17,548.00	87.74%
Intramural Costs				
USEPA - Direct	\$20,000.00	\$2,800.00	\$17,200.00	86.00%
Total Site Costs	\$140,000.00	\$77,202.00	\$62,798.00	44.86%

* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

2.5 Safety Officer

The HASP was finalized on April 27, 2011.

The HASP was reviewed and signed by Site personnel on May 3, 2011.

2.6 Liaison Officer

2.7 Information Officer

2.7.1 Public Information Officer

2.7.2 Community Involvement Coordinator

3. Participating Entities

3.1 Unified Command

3.2 Cooperating and Assisting Agencies

Dayton Fire Department - Carson CocKayne

Ohio EPA - Cathy Altman

4. Personnel On Site

U.S. EPA -- 1 OSC

START -- 1 WESTON START

ERRS -- 4 EQM and 3 Inland Waters of Ohio

5. Definition of Terms

6. Additional sources of information

6.1 Internet location of additional information/reports

For additional information such as a copy of "U.S. EPA's Site Assessment Report" or the "Emergency Contingency Plan", please refer to the "Documents" Section of the project website <http://www.epaosc.org/>.

6.2 Reporting Schedule

The next POLREP will be issued in June 2011.

7. Situational Reference Materials